

	INDIANA DEPARTMENT OF CHILD SERVICES TITLE IV-D POLICY MANUAL	
	Chapter 17: Case Closure	Effective Date: 12/08/2021
	Section 12: Not in Best Interest of Child to Establish Paternity in Case of Incest, Forcible Rape, or Pending Adoption Proceedings (CGCA)	Version: 1.1 Revision Date: 12/08/2021

BACKGROUND

Closing a case when the Title IV-D Prosecutor’s Office determines it is not in the best interest of the child to establish paternity in cases of incest, forcible rape, or when adoption proceedings are pending is a manual/auto closure process. In the manual/auto closure process, the statewide child support system does not automatically recognize the case closure criteria, but the Title IV-D Prosecutor’s Office knows certain facts that make the case eligible for case closure and takes the initiating case closure step. An intent to close notice to the custodial party (CP) or other tribunal is required for the case closure reasons that use the manual/auto process.

When the Title IV-D Prosecutor’s Office enters the case closure reason in the statewide child support system, an intent to close notice is automatically generated. This notice gives the party 60 days to contact the Title IV-D Prosecutor’s Office to request the case remain open or provide information that would make case closure inappropriate. After this 60 day period passes, the auto closure process determines whether the closure criteria still exists and if the closure process has been cancelled. If the criteria still exists and the process has not been cancelled, the case is automatically closed to Title IV-D services.

Closing the case to Title IV-D services does not affect the validity or status of a court order.

POLICY

The Title IV-D Prosecutor’s Office may close a case when paternity cannot be established because the Title IV-D Prosecutor’s Office has determined that it would not be in the best interest of the child to establish paternity in a case involving either:

1. Incest or forcible rape; or
2. Pending legal proceedings for adoption.¹

In order for this case closure reason to be used, the following criteria must be met:

1. The case is not a responding intergovernmental case; and
2. The born out of wedlock (BOW) indicator must indicate the child was born out of wedlock and paternity is contested.

REFERENCES

- [45 C.F.R. § 303.2\(c\)](#): Establishment of cases and maintenance of case records
- [45 C.F.R. § 303.11\(b\)\(6\)\(iii\)](#): Case closure criteria

¹ 45 C.F.R. § 303.11(b)(6)(iii)

PROCEDURE

1. Case Management When Good Cause to Not Establish Paternity

The Title IV-D Prosecutor's Office shall make notes in the statewide child support system concerning the determination that the establishment of paternity would not be in the best interest of the child in a case of incest or forcible rape or where legal proceedings for adoption are pending.² If any documentation has been provided to the Title IV-D Prosecutor's Office to support this determination, the Title IV-D Prosecutor's Office shall keep a copy of the documentation in the paper or electronic case file.³

2. Determining Whether the Case Should Close

If the Title IV-D Prosecutor's Office determines the case should not close, the Title IV-D Prosecutor's Office may cancel the case closure process in the statewide child support system.

3. Case Type and Status Upon Closure

When a Title IV-D case is closed for this manual/auto closure reason, the case closes to Title IV-D services and becomes a closed non-Title IV-D (NIVD) case.⁴

FORMS AND TOOLS

1. [Case Closure Checklist Why Didn't My Case Close](#)
2. [Case Closure Complete Guide](#)
3. [Case Closure Desktop Guide](#)
4. [Case Closure Matrix How It Works](#)

FREQUENTLY ASKED QUESTIONS

1. Q. When a CP receives the intent to close notice for this case closure reason and contacts the Title IV-D Prosecutor's Office and asks that the case remain open, may the Title IV-D Prosecutor's Office cancel or proceed with case closure? Does it matter if the CP provides new or additional information?
 - A. If the CP provides new or additional information that could assist the Title IV-D Prosecutor's Office in working the case, then the Title IV-D Prosecutor's Office is strongly encouraged to cancel the case closure and proceed with working the case. However, if the CP does not provide new or additional information, then the Title IV-D Prosecutor's Office has the discretion as to whether to cancel or proceed with case closure. Regardless of whether the CP provides new or additional information or not,

² 45 C.F.R. § 303.2(c)

³ 45 C.F.R. § 303.2(c)

⁴ An exception to this is that a DCS child welfare case will close to Title IV-D services, but does not change case type.

the Title IV-D Prosecutor's Office shall document the correspondence or conversation with the CP in the statewide child support system.⁵

RELATED INFORMATION

The ISETS case closure code is CGCA.

REVISION HISTORY

Version	Date	Description of Revision
Version 1	12/18/2018	Final Approved Version
Version 1.1	12/08/2021	Added FAQ regarding when CP responds to notice of intent to close.

⁵ 45 C.F.R. § 303.2(c)